



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
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August 27, 2014

Scott McLendon
Chief Regulatory Division
US Army Corps of Engineers
Wilmington District
Regulatory Field Office
69 Darlington Avenue
Wilmington, NC 28403

**Subject: EPA NEPA Comments on Final Environmental Impact Statement (FEIS)
for Village of Bald Head Island Shoreline Protection Project - CEQ Number:
20140204**

Dear Mr. McLendon:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), EPA Region 4 has reviewed the Final Environmental Impact Statement (FEIS) for the Village of Bald Head Island (VBHI) Shoreline Protection Project. This FEIS features an evaluation of the environmental consequences of several alternative plans that would address chronic erosion at the western end of South Beach of VBHI with a goal of protecting public infrastructure, roads, homes, businesses and rental properties, golf course, beaches, recreational assets, and protective dunes. EPA previously reviewed the Draft Environmental Impact Statement (DEIS) for the proposed action and provided comments to the U.S. Army Corps of Engineers (Corps) on March 4, 2014.

The FEIS considers five action alternatives for responding to the on-going erosion along the west end of South Beach of the Village of Bald Head Island. The FEIS includes detailed discussions of each alternative, how each was formulated, and the costs of implementation. As requested by EPA for similar coastal erosion projects studied by the Corps, both "no action" and "abandon/retreat" were considered in the FEIS among the detailed alternatives:

- **Alternative 1** – No Action
- **Alternative 2** - Retreat
- **Alternative 3** – Beach Nourishment/Disposal with Existing Sand Tube Groinfield to Remain in Place

- **Alternative 4** - Beach Nourishment/Beach Disposal and Sand Tube Groinfield Removal
- **Alternative 5** – Terminal Groin with Beach Nourishment/Beach Disposal (Sand Tube Groinfield Remaining)
- **Alternative 6** - Terminal Groin with Beach Nourishment/Disposal (Removal of Sand Tube Groinfield)

Our comments provided to the Corps on the DEIS primarily focused on the areas of water quality data, addressing sea-level rise, Delft 3D model assumptions, environmental justice, cumulative impacts, impacts to T&E species, coordination with the SHPO, and the Inlet Management Plan. EPA notes that the Corps provided responses to our comments in a dedicated section of the FEIS – Appendix D. EPA appreciates the Corps efforts to organize all responses to comments in a concise table in Appendix D.

EPA Comments:

EPA has reviewed the responses to our comments on the DEIS provided in Appendix D. Overall we believe the majority of the Corps responses adequately responded to our comments on the DEIS. Our review and analysis of responses to comments are provided below:

Water Quality – In our comments on the DEIS, EPA recommended the FEIS include additional information on existing water quality in the project area, such as 303(d) listed waters, TMDLs developed for waters in the area, and any other relevant water quality conditions. EPA has reviewed additional information provided in Section 4.5 and has no additional comments.

Sea-Level Rise – In our comments on the DEIS, EPA recommended that additional discussion be added to the FEIS relating to why sea-level rise estimates are not discussed in the context of the entire project life (30 years). EPA has reviewed Section 5.2 of the FEIS and the response provided by the Corps in Appendix D and has no additional comments.

Delft 3D Model Assumptions – In our comments on the DEIS, we noted that the Delft 3D model is central to describing/predicting how the shoreline will respond to all of the alternatives evaluated in the DEIS. We noted that minimal information was provided relating to assumptions and calibration of the Delft 3D model. In response to our comment, the Corps provided a link to the VBHI website and referenced an “engineering report” as the source of the above requested information.

On August 25th, 2014, EPA reviewed the following documents on the VBHI website: www.villagebhi.org (Under the Village of Bald Head Island Terminal Groin Project Link: 1. Nature of Activity, 2. CAMA Major Permit Application and Project Sheets, 3.

Letter to Adjacent Property Owners, and 4. Beach Report – No. 11, 2013.) These documents appeared to be the most relevant to the proposed project. Based on our review, we could not locate requested information related to Delft 3D model assumptions and model calibrations. EPA is concerned that requested modeling information has not been adequately disclosed to the public and that this information may be critical for determining the accuracy of the shoreline model runs for each alternative. EPA recommends that the Corps ensure that this material (model simulations and assumptions) be provided for public review and comment prior to finalizing the decision for this project.

Environmental Justice – In our comments on the DEIS, we recommended that the USACE analyze the potential for disproportionately high and adverse effects on low-income or minority populations for this project. EPA notes that additional information related to EJ issues has been added to Section 5.22 of the FEIS. EPA has reviewed this additional information and has no additional comments.

Cumulative Impacts - In our comments on the DEIS, EPA recommended revising the cumulative impact discussions in the FEIS to include future actions (such as continued development of the island) that may impact resources. EPA notes that the Corps expanded the discussion on Cumulative Impacts in the FEIS relating to future development on the island, therefore we have no additional comments on Cumulative Impacts.

Threatened and Endangered (T&E) Species – In our comments on the DEIS, EPA recommended that the USACE continue consultation with the USFWS regarding species listed under the Endangered Species Act (ESA). EPA also recommended that the USACE consult with the NMFS regarding potential impacts to essential fish habitat, if NMFS hadn't already been consulted. A completed biological opinion from the USFWS is provided in Appendix S of the FEIS and the Corps indicated that consultation with NMFS has been initiated.

Inlet Management Plan

In our comments on the DEIS, EPA recommended clarification of post-construction monitoring requirements and the triggers/thresholds for requiring mitigation to be added to the FEIS and/or to the updated Inlet Management Plan. EPA reviewed the comments provided by North Carolina Division of Coastal Management's (NCDCM) on the Inlet Management Plan and the Corps responses to their comments. We also reviewed the revised Inlet Management Plan provided in the FEIS (Appendix B). EPA notes that the VBHI will be responsible for 6 years (3 years proposed in DEIS) of monitoring post terminal groin construction to identify any adverse impacts on Oak Island from the project. EPA defers to the NCDCM on the adequacy of the revised Inlet Management Plan and has no additional comments on the plan.

Summary:

The EPA appreciates the opportunity to review this FEIS. We request that the Corps provide specific responses in the Record of Decision (ROD) to our outstanding concerns listed above. We also request that the Corps provide EPA with a copy of the final signed ROD. Should the Corps have questions regarding our comments, please feel free to contact Dan Holliman of my staff at 404/562-9531 or holliman.daniel@epa.gov.

Sincerely,



Heinz J. Mueller
Chief, NEPA Program Office
Office of Environmental Accountability